



## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government - This bill creates an inter-agency government committee to oversee contract proposals brought before Florida Department of Transportation. The committee would be composed of the secretary of the Florida Department of Transportation or a designee, the executive director of the Florida Department of Veterans' Affairs or a designee, and three members of the Florida Commission on Veterans' Affairs appointed by the chair of the commission. Although no additional FTEs are created, appointment to this committee will add to the duties of these individuals and entities.

Empower Families - This bill supports and encourages families by allowing any group or organization to enter into contracts with the Florida Department of Transportation for the purpose of honoring and recognizing the sacrifices of Florida's military veterans and their families at highway rest areas across the state.

#### B. EFFECT OF PROPOSED CHANGES:

##### Present Situation:

##### *Ellwood Robinson 'Bob' Pipping, Jr.:*

Ellwood Robinson 'Bob' Pipping, Jr., erected a bronze replica monument based on the Marine Corps War Monument near Arlington National Cemetery, which depicts Marines raising the American flag over Mount Surabachi after their victory on Iwo Jima during World War II (WWII), in 1989. Pipping, a Navy WW II veteran who died in 1999, erected and maintained the monument on his private property, Pipping Groves, adjacent to Interstate 4 near Polk City. For years, the monument was a noticeable landmark, visible to motorists driving along I-4.

In 2002, I-4 widened from four lanes to six, and the monument had to be removed and relocated to another part of Pipping's property. The Mid-Florida Young Marines, a not-for-profit 501(c)3 national youth education program for boys and girls ages 8 through high school, and their commanders and sponsors provided maintenance for the monument before its removal and helped relocate it at the appropriate time.

The monument has been maintained and relocated using private funds. A group recently asked the Florida Department of Transportation (FDOT) if the monument could be moved to a rest area on I-4 near Auburndale. They also wanted to expand the monument to honor all WWII veterans. FDOT officials replied a change in state law was required to place the monument on public property.<sup>1</sup>

FDOT currently works with the Navy's Blue Angels in maintaining a replica Blue Angel jet at an interstate rest area.

Other states allow private groups to sponsor monuments honoring veterans on public property. A rest area in Lexington, N.C., contains a monument to the state's residents who died in Vietnam which is maintained by the North Carolina Vietnam Veterans. Another site in N.C. honors those who died in WWII and Korea and is completely maintained by private funds.

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<sup>1</sup> Ruffy, *Stargel Bill Would Bring Back Iwo Jima Monument to I-4*, The Ledger, March, 23, 2004.

*Florida Department of Transportation:*

Under s. 337.11(1), F.S., FDOT is authorized to enter into contracts for the construction and maintenance of rest areas. Section 267.074(5)(b), F.S., authorizes the FDOT to assist the Division of Historical Resources in erecting and maintaining historic signs and markers within the right-of-way of state highways or any other property under FDOT jurisdiction.

Section 479.28, F.S., authorizes the FDOT to contract with private contractors for the construction, erection, and maintenance of rest area information panels or devices that provide travelers information of specific interest and that promote tourist-oriented businesses.

Section 479.02, F.S., directs the FDOT to regulate the size, height, lighting, and spacing of signs permitted in zoned and unzoned commercial areas and zoned and unzoned industrial areas along the interstate highway system and the federal-aid primary highway system. The regulations must conform to Title I of the Highway Beautification Act of 1965 and Title 23, United States Code, and other federal regulations.

Section 256.13, F.S., directs the FDOT to fly the Prisoner of War-Missing in Action (POW-MIA) flag at each rest area along interstate highways in Florida year round. FDOT manages and operates 55 rest areas and four welcome centers across the state.

Effects of Proposed Changes:

This bill creates the "Ellwood Robinson 'Bob' Pipping, Jr., Memorial Act" to honor Bob Pipping's service and efforts to commemorate the sacrifices of veterans and to remind state residents and visitors of the accomplishments and sacrifices of Florida's military veterans and their families.

This bill authorizes the FDOT to enter into contracts with any organization that wishes to install and maintain monuments and memorials honoring Florida's military veterans at highway rest areas across the state. The installations may consist of monuments, memorials, plaques, markers, or various retired military equipment and must honor the accomplishments and sacrifices of military veterans and their families.

This bill creates a committee to approve proposals for contracts. The committee would be composed of the secretary of the FDOT or a designee, the executive director of the Florida Department of Veterans' Affairs or a designee, and three appointed members of the Florida Commission on Veterans' Affairs appointed by the chair of the commission. Those appointed to the committee would have terms not longer than two years, which would expire January 31<sup>st</sup> of each even-numbered year, and may be reappointed upon the end of their term.

This bill also stipulates that the organization making a proposal is fully responsible for the installation and maintenance costs of the monument. The group must secure the maintenance costs with sufficient annual funds to be deposited into a maintenance account held by the FDOT. The group must also provide a 10-year bond covering the costs of modifications necessary to the site for the installation of the monument and for removal of the monuments should the group fail to provide sufficient maintenance funds for two consecutive years. Prior to expiration, the bond shall be renewed for another 10-year period if the monument is to remain in place.

C. SECTION DIRECTORY:

Section 1. Creates the "Ellwood Robinson 'Bob' Pipping, Jr., Memorial Act."

Section 2. Provides the purpose of the act.

- Section 3. Authorizes the FDOT to enter into contracts with groups proposing to install monuments, which honor Florida's military veterans and their families, at rest stops across the state pursuant to certain provisions contained in the act.
- Section 4. Provides that this bill takes effect upon becoming law.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

There are no known or expected fiscal impacts on state government revenues.

#### 2. Expenditures:

It is unclear if there would be administrative costs (i.e. travel) associated with the operation of the committee and the contract approval process created in the bill, and which entity, private or public, would be responsible for such costs. If there are administrative costs to the state, they are indeterminate since it is unknown how many groups would bring contract proposals to the FDOT.

The FDOT does not anticipate any fiscal impact.<sup>2</sup>

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

#### 1. Revenues:

There are no known or expected fiscal impacts on local government revenues.

#### 2. Expenditures:

There are no known or expected fiscal impacts on local government expenditures.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Private sector groups or organizations may voluntarily enter into contracts with the FDOT to install and maintain monuments and memorials honoring Florida's military veterans and their families. The groups would be solely responsible for the installation, maintenance, and removal costs. The amounts of these costs to the groups are indeterminate and will vary according to contract and type of monument.

### D. FISCAL COMMENTS:

Private groups and organizations are responsible for all the installation and maintenance costs of their proposed monuments or memorials. The groups must also secure a 10-year bond to cover the cost of removal should they be unable to maintain the site for two consecutive years.

It is unclear which entity, private or public, would be responsible for any administrative costs which may be associated with the operation of the committee and the contract approval process created in the bill.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

#### 1. Applicability of Municipality/County Mandates Provision:

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<sup>2</sup> See email from Sarah Strickland, Department of Transportation (February 8, 2005) (on file with Committee on Military and Veteran Affairs).

The bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds. This bill does not reduce the percentage of a state tax shared with counties or municipalities. This bill does not reduce the authority that municipalities have to raise revenues.

2. Other:

There do not appear to be any constitutional issues with this bill.

B. RULE-MAKING AUTHORITY:

FDOT appears to have sufficient rule-making authority to enter into contracts with the private groups.

C. DRAFTING ISSUES OR OTHER COMMENTS:

An amendment to this bill could clarify the administration of the maintenance accounts and their funds.

**IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES**

Not Applicable.